

Application No. 10/084,813

Reply to Office Action

*REMARKS/ARGUMENTS**The Pending Claims*

Claims 21, 60, and 70-85 are pending. The pending claims are directed to a polypeptide that comprises a particular amino acid sequence and binds with HIV gp120 under physiological conditions (claims 21 and 70-77), and a composition comprising the polypeptide and a carrier (claims 60 and 78-85).

Amendments to the Claims

The claims have been amended to point out more particularly and claim more distinctly the invention. Claims 21 and 74-77 have been amended to replace the phrase "6 conservative or neutral amino acid substitutions" with the phrase "one conservative or neutral amino acid substitution," as supported by the specification at, for example, page 11, lines 16-18, and by claims 86-89. Claims 86-89 have been canceled. No new matter has been added by way of these amendments.

Summary of Office Action

The Office rejects claims 21, 60, and 70-89 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description support. The Office objects to claims 70-73, 78-81, and 86-89 as depending from a rejected base claim, but indicates that the claims would be allowable if rewritten in independent form. Reconsideration of the rejection and objection is hereby requested.

Discussion of the Written Description Rejection

The Office rejects claims 21, 60, and 70-89 as lacking written description support for a polypeptide that comprises an amino acid sequence of SEQ ID NOs: 12-15 with up to 6 conservative or neutral amino acid substitutions.

The Office has indicated that claims 86-89, which are directed to a polypeptide that comprises the amino acid sequence of SEQ ID NO: 12, 13, 14, or 15 with up to one conservative or neutral amino acid substitution, would be allowable if rewritten in independent form.

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Applicants disagree with the rejection for the reasons of record. Nevertheless, in order to expedite prosecution of the allowable subject matter, Applicants have amended claims 21 and 74-77 (and, thus, claims dependent thereon) to recite a polypeptide that comprises an amino acid sequence selected from the group consisting of SEQ ID NOs: 12-15 and SEQ ID NO: 12-15 with up to *one* conservative or neutral amino acid substitution, thereby obviating the rejection.

Accordingly, the subject matter of the pending claims meets the written description requirement of Section 112, first paragraph. Applicants respectfully request that the written description rejection is withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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